

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|   |   |                                      |
|---|---|--------------------------------------|
| <b>DONALD MIKOS,</b>                    | : | <b>CIVIL ACTION NO. 3:16-CV-2037</b> |
|   | : |                                      |
| <b>Plaintiff</b>                        | : | <b>(Chief Judge Conner)</b>          |
|   | : |                                      |
| <b>v.</b>                               | : |                                      |
|   | : |                                      |
| <b>NANCY A. BERRYHILL, Acting</b>       | : |                                      |
| <b>Commissioner of Social Security,</b> | : |                                      |
|   | : |                                      |
| <b>Defendant</b>                        | : |                                      |

**ORDER**

AND NOW, this 27th day of March, 2018, upon consideration of the report (Doc. 20) of Magistrate Judge Karoline Mehalchick, recommending the court deny the appeal of plaintiff Donald Mikos (“Mikos”) from administrative law judge’s decision denying Mikos’s application for a period of disability, disability insurance benefits, and supplemental security income, and the court noting that Mikos filed objections (Doc. 21) to the magistrate judge’s report, see FED. R. CIV. P. 72(b), and that the Commissioner of Social Security (“Commissioner”) filed a response (Doc. 22) thereto, and following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Mehalchick that the administrative law judge’s evaluation of opinion evidence and both her residual functional capacity and credibility assessments are “supported by substantial evidence,” 42 U.S.C. § 405(g); see Fagnoli v. Massanari,

247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Mehalchick's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Mikos's objections to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 20) of Magistrate Judge Mehalchick is ADOPTED.
2. The Commissioner's decision denying Mikos's application for a period of disability, disability insurance benefits, and supplemental security income is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Mikos as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania